



EUROPEAN COMMISSION  
DG Competition

***Case M.8271 - HITACHI  
CHEMICAL COMPANY /  
FIAMM / JV***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004  
MERGER PROCEDURE**

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Article 6(1)(b) NON-OPPOSITION  
Date: 23/01/2017

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## EUROPEAN COMMISSION

Brussels, 23.01.2017  
C(2017) 414 final

PUBLIC VERSION

### To the notifying parties

**Subject: Case M.8271 – Hitachi Chemical Company/FIAMM/JV  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European Economic Area<sup>2</sup>**

Dear Sir or Madam,

1. On 19 December 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Hitachi Chemical Company Ltd. ('HCC', Japan) controlled by Hitachi Ltd. and FIAMM S.p.A. ('FIAMM', Italy) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of FIAMM's lead acid battery business by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - for HCC: the production of functional materials such as electronics materials, inorganic materials, polymer science materials and printed wiring board materials and the production of advanced components and systems, such as automotive products, energy storage devices, electronics components and other diagnostic agents and instruments,
  - for FIAMM: the manufacture of automotive components such as horns, antennas and starter batteries and industrial (stand-by) batteries,
  - The joint venture encompasses the automotive and industrial lead acid batteries business of FIAMM, which will be jointly controlled by HCC and FIAMM.

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation'). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ('TFEU') has introduced certain changes, such as the replacement of 'Community' by 'Union' and 'common market' by 'internal market'. The terminology of the TFEU will be used throughout this decision.

<sup>2</sup> OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

<sup>3</sup> Publication in the Official Journal of the European Union No C 485, 28.12.2016, p. 3.

3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>4</sup>
4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation and Article 57 of the EEA Agreement.

*For the Commission*

*(signed)*  
*Johannes LAITENBERGER*  
*Director-General*

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.